

Chase J. Potter
Texas State Bar No. 24088245
potter@imcplaw.com
Joshua J. Iacuone
Texas State Bar No. 24036818
josh@imcplaw.com
Joshua L. Shepherd
Texas State Bar No. 24058104
shepherd@imcplaw.com
Anna Olin Richardson
Texas State Bar No. 24102947
anna@imcplaw.com
IACUONE MCALLISTER POTTER PLLC
Energy Square One
4925 Greenville Ave., Suite 1112
Dallas, Texas 75206
214.432.1536

ATTORNEYS FOR PLAINTIFFS

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:	§	CHAPTER 11
RHODIUM ENCORE, LLC, et al.,	§	CASE NO. 24-90448
Debtor.	§	(Bankr. S.D. Tex.)
<hr/>		
345 PARTNERS SPV2 LLC, GRANT FAIRBAIRN, AS TRUSTEE AND ON BEHALF OF GRANT FAIRBAIRN REVOCABLE TRUST, NINA FAIRBAIRN, AS TRUSTEE AND ON BEHALF OF NINA CLAIRE FAIRBAIRN REVOCABLE TRUST, RICHARD FULLERTON, WILLIAM HO, AS TRUSTEE AND ON BEHALF OF GR FAIRBAIRN FAMILY TRUST, NCF EAGLE TRUST, GRF TIGER TRUST, AND NC FAIRBAIRN FAMILY TRUST, SCOTT KINTZ, AS TRUSTEE AND ON BEHALF OF KINTZ FAMILY TRUST, JACOB RUBIN, TRANSCEND PARTNERS LEGEND FUND LLC, VALLEY HIGH LP, JERALD	§	ADV. NO. 25-04008

**WEINTRAUB, AS TRUSTEE AND ON
BEHALF OF JERALD AND MELODY
HOWE WEINTRAUB REVOCABLE
LIVING TRUST DTD 02/05/98, AS
AMENDED, AND MIKE WILKINS, AS
TRUSTEE AND ON BEHALF OF
WILKINS-DUIGNAN 2009 REVOCABLE
TRUST,**

Plaintiffs,

V.

**NATHAN NICHOLS, CHASE
BLACKMON, CAMERON BLACKMON,
NICHOLAS CERASUOLO, AND
IMPERIUM INVESTMENTS
HOLDINGS, LLC,**

Defendants.

PLAINTIFFS' HEARING WITNESS AND EXHIBIT LIST

Plaintiffs¹ file this Witness and Exhibit List containing the exhibits Plaintiffs intend to offer or may offer, and the witnesses Plaintiffs may call, during the hearing scheduled for April 11, 2025 (the “Hearing”):

EXHIBITS

Plaintiffs may offer for admission into evidence any of the following exhibits, any exhibit designated by any other party, and any document filed on the docket in the above-captioned case during the Hearing:

¹ The term “Plaintiffs,” when used herein, refers collectively to Plaintiffs 345 Partners SPV2 LLC, Grant Fairbairn, as Trustee and on behalf of the Grant Fairbairn Revocable Trust, Nina Fairbairn, as Trustee and on behalf of the Nina Claire Fairbairn Revocable Trust, Richard Fullerton, William Ho, as Trustee and on behalf of the GR Fairbairn Family Trust, NCF Eagle Trust, GRF Tiger Trust, and NC Fairbairn Family Trust, Scott Kintz, as Trustee and on behalf of the Kintz Family Trust, Jacob Rubin, Transcend Partners Legend Fund LLC, Valley High LP, Jerald Weintraub, as Trustee and on behalf of the Jerald and Melody Howe Weintraub Revocable Living Trust DTD 02/05/98, as amended, and Mike Wilkins, as Trustee and on behalf of the Wilkins-Duignan 2009 Revocable Trust.

Ex.	Description	Offered	Objection	Admitted	Not Admitted
1	Plaintiffs' Original Petition				
2	State Court Trial Setting Letter				
3	Communications and/or materials authored by and/or involving the Special Committee ²				

WITNESSES

Plaintiffs may call any of the following witnesses during the Hearing:

1. Cameron Blackmon;
2. Chase Blackmon;
3. Nathan Nichols;
4. Nicholas Cerasuolo;
5. Trace Schmeltz (or other representative of the Special Committee);
6. Any witness called or designated by any other party;
7. Any witness necessary to rebut the testimony of any witness called or designated by any other party; and
8. Any person present in the courtroom during the time of the Hearing with relevant knowledge of the issues at dispute.

² Given the recent filing of the Special Committee's Motion to Intervene and Motion for Leave to File Brief in Support of Defendants' Motion to Transfer and in Opposition to Plaintiffs' Motion to Remand (Dkt. No. 16), Plaintiffs reserve the right to offer into evidence during the Hearing any communications and/or materials authored by and/or involving the Special Committee (including any such communications and/or materials that the Special Committee may be required to produce).

Plaintiffs reserve the right to amend and/or supplement this Witness and Exhibit List prior to the Hearing. Moreover, Plaintiffs reserve the right to (i) ask the Court to take judicial notice of any document, (ii) introduce exhibits previously admitted or attached as exhibits to the relevant pleadings, and (iii) introduce any exhibit necessary or appropriate to rebut the testimony of any witnesses called or designated by any other party or an exhibit introduced or designated by any other party.

Respectfully submitted,

/s/ Chase J. Potter

CHASE J. POTTER

Texas State Bar No. 24088245

potter@imcplaw.com

JOSHUA J. IACUONE

Texas State Bar No. 24036818

josh@imcplaw.com

JOSHUA L. SHEPHERD

Texas State Bar No. 24058104

shepherd@imcplaw.com

ANNA OLIN RICHARDSON

Texas State Bar No. 24102947

anna@imcplaw.com

IACUONE McALLISTER POTTER PLLC

Energy Square One

4925 Greenville Ave., Suite 1112

Dallas, Texas 75206

214.432.1536

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that on this 8th day of April, 2025, a true and correct copy of the foregoing document was served on counsel of record via the Court's ECF system, and/or by first class mail, postage prepaid, to:

Stephen Wayne Lemmon and
Rhonda Bear Mates
Streusand, Landon, Ozburn & Lemmon, LLP
1801 S. Mopac Expressway, Suite 320
Austin, TX 78746

COUNSEL FOR THE IMPERIUM DEFENDANTS

Kyung S. Lee
R.J. Shannon
Shannon & Lee LLP
2100 Travis Street, Suite 1525
Houston, Texas 77002

COUNSEL FOR DEFENDANT
NICHOLAS CERASUOLO

/s/ Chase J. Potter
CHASE J. POTTER